

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO:
v.	:	DATE FILED:
BEHZAD SABAGH	:	VIOLATIONS:
a/k/a "Ben Sabagh"	:	18 U.S.C. § 1513(b)(2) (retaliating against a witness - 9 counts)
	:	18 U.S.C. § 1512(b)(2)(D) (tampering with a witness - 1 count)
	:	Notice of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. On or about May 29, 2018, defendant BEHZAD SABAGH was criminally charged by indictment in *United States v. Behzad Sabagh, a/k/a "Ben Sabagh,"* Criminal No. 18-226.
2. Person No. 1, who is known to the grand jury, was separately charged with criminal offenses and pleaded guilty to the charges pursuant to a plea agreement. As part of Person No. 1's plea agreement, Person No. 1 agreed to cooperate and testify against others, including against defendant BEHZAD SABAGH. Person No. 1 provided evidence and documents against defendant SABAGH relating to his charges in *United States v. Behzad Sabagh,* Criminal No. 18-226, and was prepared to testify against defendant SABAGH.
3. On or about April 5, 2019, defendant BEHZAD SABAGH pleaded guilty to charged conduct in *United States v. Behzad Sabagh,* Criminal No. 18-226.

4. On or about May 14, 2019, Person No. 1 received a court notice that Person No. 1's sentencing hearing was scheduled for December 18, 2019. The court notice directed Person No. 1 to report to the courtroom for the scheduled hearing date and advised that if Person No. 1 failed to appear as directed, a bench warrant may issue and Person No. 1's bail may be revoked.

5. On or about August 15, 2019, defendant BEHZAD SABAGH was sentenced in *United States v. Behzad Sabagh*, Criminal No. 18-226.

6. On or about October 28, 2019, defendant BEHZAD SABAGH completed his term of imprisonment and was released from prison.

7. On or about December 9, 2019, Person No. 1 received a court notice that Person No. 1's sentencing hearing was rescheduled for February 20, 2020. The court notice directed Person No. 1 to report to the courtroom for the scheduled hearing date and advised that if Person No. 1 failed to appear as directed, a bench warrant may issue and Person No. 1's bail may be revoked.

8. On or about February 19, 2020, Person No. 1 received a court notice that Person No. 1's sentencing hearing was rescheduled for March 6, 2020. The court notice directed Person No. 1 to report to the courtroom for the scheduled hearing date and advised that if Person No. 1 failed to appear as directed, a bench warrant may issue and Person No. 1's bail may be revoked.

9. From in or about December 17, 2019, to on or about March 9, 2020, defendant BEHZAD SABAGH sent a series of text messages to Person No. 1, in which defendant SABAGH threatened to cause bodily injury to Person No. 1 and Person No. 1's family

after Person No. 1 was sentenced and while Person No. 1 was serving a sentence of incarceration.

10. On or about December 17, 2019, defendant BEHZAD SABAGH sent the following text message to Person No. 1:

Defendant SABAGH: [Picture of a man inside a jail cell]

Wash your ass

11. On or about December 17, 2019, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**BEHZAD SABAGH,
a/k/a “Ben Sabagh,”**

knowingly engaged in conduct which threatened to cause bodily injury to Person No. 1, with the intent to retaliate against Person No. 1 for information given by Person No. 1 to a law enforcement officer relating to defendant SABAGH’s commission of a Federal offense.

In violation of Title 18, United States Code, Section 1513(b)(2).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 9 of Count One are incorporated here.
2. On or about December 18, 2019, defendant BEHZAD SABAGH and

Person No. 1 exchanged a series of text messages that included the following:

Defendant SABAGH: [A video called “Busy Signal – Jail 1 Official Music Video” with an image of a man behind jail bars.]

Person No. 1: Who is this

So you’re not scared of sending me these stupid pictures but you are scared of telling me who you are

You don’t think I can skip trace this phone number and find you?
You must be dumber than you look

Defendant SABAGH: Just ask your wife when u get released she’ll tell you who skipped traced who!

Person No. 1: You talk a big game pussy Why don’t you meet me somewhere

Defendant SABAGH: Before or after the court?

Person No. 1: Now would be great

Defendant SABAGH: Where u at?

Person No. 1: Where u at

I’m in queen villiage

Defendant SABAGH: With ur moma bitch

...

Person No. 1: Let’s do this meet me in one hour at second and South

Defendant SABAGH: Are you coming with the FBI or all by yourself?

...

Person No. 1: Honestly I'm not worried at all. Everything is great in my end. As for you, I would be concerned how you gonna survive day to day. No job, no friends, no family, no money, NOTHING!!!!

Defendant SABAGH: That's what you all say before the hammer gets dropped

Person No. 1: Trust me, I can't wait to get it over with. I have a great wife and kids that love me!! How bout you??
What do u have

Defendant SABAGH: I take care of people's wives when they are away

Person No. 1: Yea yea. I feel bad for you Good luck. Try not to die today when you walk aimlessly up and down Broad St

Defendant SABAGH: Broad st!? I am in Queen Village Bitch

I understand. You're having a rugh day

U wanna hug?

Jail jail jail jail jail jail jail jail

How did u get it reschedule? But don't worry she'll fuck u on the Feb 20th!

3. On or about December 18, 2019, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**BEHZAD SABAGH,
a/k/a "Ben Sabagh,"**

knowingly engaged in conduct which threatened to cause bodily injury to Person No. 1 and Person No. 1's family, with the intent to retaliate against Person No. 1 for information given by Person No. 1 to a law enforcement officer relating to defendant SABAGH's commission of a Federal offense.

In violation of Title 18, United States Code, Section 1513(b)(2).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 9 of Count One are incorporated here.
2. On or about December 31, 2019, defendant BEHZAD SABAGH sent text messages to Person No. 1 that included the following:

Defendant SABAGH: [A photograph of Person No. 1's children]

How old are they?

Be respectful I asked you a question

Did your buddy Feds tell you not to talk to me?

Yo convict I am talking to you. Don't make me come over

xxx Kenilworth

You need to change those chandelier bulbs to LED

[Three images of individuals behind bars]

Am I getting under ur skin?

Jail?

Jail

Jail

Jail

Jail

Jail

Jail

...

You're such a pussy.

If the judge gave him a year what u think she is giving you?

Did u wash your ass?

3. On or about December 31, 2019, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**BEHZAD SABAGH,
a/k/a "Ben Sabagh,"**

knowingly engaged in conduct which threatened to cause bodily injury to Person No. 1 and Person No. 1's family, with the intent to retaliate against Person No. 1 for information given by Person No. 1 to a law enforcement officer relating to defendant SABAGH's commission of a Federal offense.

In violation of Title 18, United States Code, Section 1513(b)(2).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 9 of Count One are incorporated here.
2. On or about February 16, 2020, defendant BEHZAD SABAGH and

Person No. 1 exchanged the following text messages:

Defendant SABAGH: tick tuck

Person No. 1: ?

Who's this

Defendant SABAGH: The person that doesn't have \$10 to its name

Answer "I am gonna fuck your wife"

by the way, I ll be at your sentencing.

3. On or about February 16, 2020, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**BEHZAD SABAGH,
a/k/a "Ben Sabagh,"**

knowingly engaged in conduct which threatened to cause bodily injury to Person No. 1 and Person No. 1's family, with the intent to retaliate against Person No. 1 for information given by Person No. 1 to a law enforcement officer relating to defendant SABAGH's commission of a Federal offense.

In violation of Title 18, United States Code, Section 1513(b)(2).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 9 of Count One are incorporated here.
2. On or about February 19, 2020, defendant BEHZAD SABAGH and Person No. 1 exchanged a series of text messages that included the following:

Defendant SABAGH: how much deposit do you need?

Person No. 1: 5% per lot

Defendant SABAGH: do I get to fuck your wife if I pay %10?

?

Person No. 1: You can definitely Fuck yourself

Defendant SABAGH: someone got to tap it while you're away.

I know you think I am kidding. but I'll promise I'll fuck your wife while you are away!

2 years dude

the young Arab dude got 10 months city employee 1 year. I'll bet you're getting 2 years.

3. On or about February 19, 2020, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**BEHZAD SABAGH,
a/k/a "Ben Sabagh,"**

knowingly engaged in conduct which threatened to cause bodily injury to Person No. 1 and Person No. 1's family, with the intent to retaliate against Person No. 1 for information given by Person No. 1 to a law enforcement officer relating to defendant SABAGH's commission of a Federal offense.

In violation of Title 18, United States Code, Section 1513(b)(2).

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 9 of Count One are incorporated here.
2. On or about February 20, 2020, defendant BEHZAD SABAGH sent the following text messages to Person No. 1:

Defendant SABAGH: nervous for tomorrow?

every second I get 1 step closer to fucking your wife. what a good day

[Emojis]

you can postponed all you want. but you have to face the music sooner or later fuck face!!!!!! 3/6/2020

3. On or about February 20, 2020, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**BEHZAD SABAGH,
a/k/a “Ben Sabagh,”**

knowingly engaged in conduct which threatened to cause bodily injury to Person No. 1 and Person No. 1’s family, with the intent to retaliate against Person No. 1 for information given by Person No. 1 to a law enforcement officer relating to defendant SABAGH’s commission of a Federal offense.

In violation of Title 18, United States Code, Section 1513(b)(2).

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 9 of Count One are incorporated here.
2. On or about March 4, 2020, defendant BEHZAD SABAGH and Person

No. 1 exchanged the following text messages:

Defendant SABAGH: what is the code for the lockbox?

Person No. 1: Which property

Defendant SABAGH: the one that I am going to fuck your wife in while
you're gone

Person No. 1: Your such a tough guy

Defendant SABAGH: with a big dick!

4 years!!!!

3. On or about March 4, 2020, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**BEHZAD SABAGH,
a/k/a "Ben Sabagh,"**

knowingly engaged in conduct which threatened to cause bodily injury to Person No. 1 and Person No. 1's family, with the intent to retaliate against Person No. 1 for information given by Person No. 1 to a law enforcement officer relating to defendant SABAGH's commission of a Federal offense.

In violation of Title 18, United States Code, Section 1513(b)(2).

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 9 of Count One are incorporated here.
2. On or about March 6, 2020, defendant BEHZAD SABAGH sent the following text messages to Person No. 1:

Defendant SABAGH: did u wakeup on time? today is the judgment day!!!!
grease your ass [emojis]

...

what did you get? or u got it postponed again?

sooner or later you have to face the music! then u gotta face us!!!!
enjoy it while it lasts!

3. On or about March 6, 2020, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**BEHZAD SABAGH,
a/k/a “Ben Sabagh,”**

knowingly engaged in conduct which threatened to cause bodily injury to Person No. 1, with the intent to retaliate against Person No. 1 for information given by Person No. 1 to a law enforcement officer relating to defendant SABAGH’s commission of a Federal offense.

In violation of Title 18, United States Code, Section 1513(b)(2).

COUNT NINE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 9 of Count One are incorporated here.
2. On or about March 9, 2020, defendant BEHZAD SABAGH sent the following text message to Person No. 1:

Defendant SABAGH: there are many people that don't want you around. this story won't have a happy ending for you ands yours. Leave town it's not worth the risk!

3. On or about March 9, 2020, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**BEHZAD SABAGH,
a/k/a "Ben Sabagh,"**

knowingly engaged in conduct which threatened to cause bodily injury to Person No. 1 and Person No. 1's family, with the intent to retaliate against Person No. 1 for information given by Person No. 1 to a law enforcement officer relating to defendant SABAGH's commission of a Federal offense.

In violation of Title 18, United States Code, Section 1513(b)(2).

COUNT TEN

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 9 of Count One are incorporated here.
2. On or about March 9, 2020, defendant BEHZAD SABAGH sent the following text message to Person No. 1:

Defendant SABAGH: there are many people that don't want you around. this story won't have a happy ending for you and yours. Leave town it's not worth the risk!

3. On or about March 9, 2020, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**BEHZAD SABAGH,
a/k/a "Ben Sabagh,"**

knowingly attempted to intimidate, threaten, and corruptly persuade Person No. 1, by sending a text message encouraging Person No. 1 to leave town, with the intent to cause and induce Person No. 1 to be absent from an official proceeding to which Person No. 1 had been summoned by legal process, that is, Person No. 1's federal sentencing hearing.

In violation of Title 18, United States Code, Section 1512(b)(2)(D).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Sections 1512 and 1513, set forth in this indictment, defendant

**BEHZAD SABAGH,
a/k/a “Ben Sabagh,”**

shall forfeit to the United States of America any property, real or personal, that constitutes or is derived from proceeds traceable to the commission of such violations.

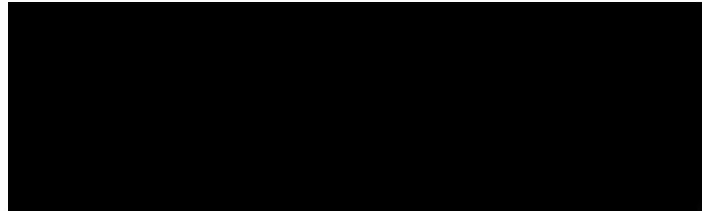
2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 981(a)(1)(C).

A TRUE BILL:



Jennifer Williams for
JENNIFER ARBITTER WILLIAMS
ACTING UNITED STATES ATTORNEY

No. _____

UNITED STATES DISTRICT COURT

Eastern District of Pennsylvania

Criminal Division

THE UNITED STATES OF AMERICA

vs.

BEHZAD SABAGH
a/k/a "Ben Sabagh"

INDICTMENT

Counts

18 U.S.C. § 1513(b)(2) (retaliating against a witness - 9 counts)

18 U.S.C. § 1512(b)(2)(D) (tampering with a witness - 1 count)

Notice of forfeiture



Filed in open court this _____ day,

of _____ A.D. 20_____

Clerk

Bail, \$_____